IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 14030 of 2004

Between:

M.Vijaya Lakshmi, w/o Eswar Reddy,
Athiralladinne Village, Pedda Pappur Mandal, Anantapur District.

..... PETITIONER

AND

1 The Joint Collector, Anantapur, Anantapur District.
2 The Revenue Divisional Officer, Anantapur.
3 The Mandal Revenue Officer, Pedda Pappur Mandal,
Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in suspending the petitioner's Fair Price Shop dealership for Athiralladinne Village, Pedda Pappu Mandal, Anantapur District, as illegal, arbitrary and consequently set aside the order of the 2nd respondent made in Rc.No.D1/CS/773/2004, dt.2-8-2004 as confirmed by the 1st respondent in his proceedings L.Dis.No.K4/ATP/095/2004, dt.6-8-2004

Counsel for the Petitioner: MR.K.SITA RAM

Counsel for the Respondents : GP FOR CIVIL SUPPLIES

The Court made the following :

THE HONOURABLE MS.JUSTICE G.ROHINI

WRIT PETITION NO.14030 OF 2004

ORDER:

The petitioner is the authorized dealer in respect of fair price shop at Athiralladinne Village, Peddapappur Mandal of Ananthapur district. The authorization of the petitioner has been suspended pending enquiry into alleged irregularities vide proceedings of the Revenue Divisional Officer dated 2.8.2004. Aggrieved by the same the petitioner preferred an appeal before the Joint Collector, Anantapur district along with application seeking stay of the order of suspension. The Joint Collector, Anantapur, the first respondent herein by order dated 6.8.2004 while refusing to stay the order of suspension, remanded the matter to the Revenue Divisional Officer, the second respondent herein for expeditious disposal of the enquiry. The said order is under challenge in this writ petition.

The learned Counsel for the petitioner contends that all the allegations made against the petitioner in the show-cause notice are false and baseless and at any rate they are trivial in nature and therefore, the first respondent is not justified in rejecting the application for stay pending Appeal.

A perusal of the impugned order of the first respondent shows that the said order has been passed mechanically without reference to anyone of the contentions raised by the petitioner and without assigning any reasons for rejecting the stay pending Appeal.

It is also relevant to note that under the impugned order dated 6.8.2004 the 1st respondent appears to have disposed of the main Appeal itself. Though the first respondent is justified in directing expeditious disposal of the enquiry pending before the Revenue Divisional Officer, so far as the order of suspension pending enquiry is concerned which is impugned in the Appeal, the 1st respondent ought to have considered the facts and circumstances and ought to have decided whether the situation warrants suspension till the completion of enquiry. The impugned order which appears to be a final order in the Appeal which was passed without going into the merits of the case cannot be sustained and is accordingly set aside with a direction to pass appropriate orders afresh.

Having heard both the sides and having regard to the facts and circumstances of the case, I am of the view that the balance of convenience is in favour of the petitioner and it would be appropriate to allow him to distribute the commodities till the disposal of the statutory appeal.

Accordingly, the writ petition is disposed of with a direction to the first respondent to dispose of the appeal pending on his file as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy of this order. Till such disposal, the impugned order of suspension dated 2.8.2004 shall not be given effect to.

The writ petition is accordingly disposed of. No costs.

/10.8.2004.

mdaa.

Copy to:

1 The Joint Collector, Anantapur, Anantapur District.
2 The Revenue Divisional Officer, Anantapur.
3 The Mandal Revenue Officer, Pedda Pappur Mandal,
Anantapur District.

4. Two C.Cs.to G.P.for Civil Supplies, High Court of A.P., Hyderabad (OUT)

5. Two C.D.copies.